

Fresno, California

December 7, 1999

The City Council met in regular session at the hour of 10:13 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Garry Bredefeld	Councilmember
	Chris Mathys	Acting Council President
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Council President

Jeff Reid, City Manager  
Hilda Cantu Montoy, City Attorney  
Rebecca Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Pastor William Knezovich, Our Saviors Lutheran Church, gave the invocation.

Fig Garden soccer students led the Pledge of Allegiance to the Flag.

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COMMENDATION AWARDS TO THE FIG GARDEN SOCCER LEAGUE CHAMPIONS - ACTING PRESIDENT MATHYS

PROCLAMATION OF "KEN PAPI DAY" - COUNCILMEMBER BOYAJIAN

The above proclamation and awards were read and presented.

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**APPROVE MINUTES:**

The minutes of November 30, 1999, were approved as submitted.

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**APPROVE AGENDA:**

(5D) UPDATE FROM STAFF ON REMOVAL OF UGM ON PROPERTY LOCATED AT THE SOUTHWEST CORNER OF CHURCH AND MAPLE AVENUES - COUNCILMEMBER QUINTERO

Removed from the agenda at the direction of Councilmember Quintero.

**(3A) \* BILL NO. B-66 (INTRODUCED 10/19/99) - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO FISCAL ADMINISTRATION, REVISING PROCEDURE FOR PRESENTATION AND PROCESSING OF CLAIMS FOR MONEY OR DAMAGES (INCLUDING CLAIMS RELATING TO CONTRACTS), PENDING LITIGATION, AND WORKERS' COMPENSATION CLAIMS, AND MAKING HOUSEKEEPING AMENDMENTS AND FORMALIZING ADMINISTRATIVE PRACTICE**

**1. REPORT BY THE CITY ATTORNEY ON BILL NO. B-66**

City Attorney Montoy, with the concurrence of the City Manager, removed the item from the agenda and advised a revised ordinance would be brought back in one week.

**WORKSHOP ON PROJECT LABOR AGREEMENTS SET FOR DECEMBER 14<sup>TH</sup> AT 3:00 P.M.- COUNCILMEMBER PEREA**

At the request of Councilmember Perea and with Council consent, the workshop was rescheduled for January 11, 2000, at 3:00 p.m.

**AIR QUALITY WORKSHOP SET FOR JANUARY 4, 2000 - COUNCILMEMBER PEREA**

Upon request of Councilmember Perea for a time, President Steitz set the issue for 4:00 p.m. on January 4<sup>th</sup>.

**(3A) \* BILL NO. B-66 (INTRODUCED 10/19/99) - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO FISCAL ADMINISTRATION, REVISING PROCEDURE FOR PRESENTATION AND PROCESSING OF CLAIMS FOR MONEY OR DAMAGES (INCLUDING CLAIMS RELATING TO CONTRACTS), PENDING LITIGATION, AND WORKERS' COMPENSATION CLAIMS, AND MAKING HOUSEKEEPING AMENDMENTS AND FORMALIZING ADMINISTRATIVE PRACTICE**

Referencing the contractor for Olive Avenue who "failed miserably" and stressing contractors should comply and be held liable on projects, Councilmember Ronquillo questioned if costs to the City on the Olive Avenue project had been determined and if the contractor could be held liable for those costs, and if contractors who did not perform/comply could be prohibited from future bidding on City projects, with City Attorney Montoy responding and advising the subject Item **3A** was not related.

**(3:45 P.M.) APPEARANCE BY DEBBIE REYES REQUESTING THE CITY PREPARE A RESOLUTION DENOUNCING THE KNIGHT INITIATIVE (PROPOSITION 22)**

President Steitz advised the request to appear had been withdrawn and removed the item from the agenda.

On motion of Councilmember Ronquillo, seconded by Acting President Mathys, duly carried, **RESOLVED**, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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**ADOPT CONSENT CALENDAR:**

**(1A-1)** AWARD A CONTRACT TO B & R ROOFING IN THE AMOUNT OF \$64,600 TO RE-ROOF THE SAROYAN THEATER BUILDING

**(1A-3)** REJECT ALL BIDS RECEIVED FOR EMERGENCY VEHICLE EQUIPMENT DUE TO ISSUES RELATED TO THE RETURN POLICY REQUIREMENTS AND INSTRUCT STAFF TO REBID THE PROJECT WITH REVISED SPECIFICATIONS AFTER REVIEWING ALL OTHER ASPECTS OF THE BID WITH POTENTIAL VENDORS

**(1A-4)** APPROVE A LEASE AND AGREEMENT WITH THE FRESNO CITY/COUNTY CONVENTION AND VISITORS BUREAU FOR SPACE IN THE NEW EXHIBIT HALL FACILITY LOCATED AT 848 "M" STREET

On motion of Councilmember Ronquillo, seconded by Acting President Mathys, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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**SUSPENSION OF COUNCIL RULES TO HEAR UNSCHEDULED ORAL COMMUNICATIONS**

On motion of Acting President Mathys, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the Council Rules hereby suspended to hear "Unscheduled Oral Communications" at this time, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

**UNSCHEDULED ORAL COMMUNICATIONS:**

**APPEARANCE BY AN UNIDENTIFIED CONCERNED CITIZEN REGARDING PUBLIC TRANSPORTATION/FAX PROBLEMS AND REQUEST FOR IMPROVED DOWNTOWN SERVICE**

Appearance made; no action taken. Councilmember Perea left the meeting at 10:40 a.m. and returned after the recess.

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**(5A) APPROVE APPOINTMENT OF JAMES KLEIN TO THE TOWER DISTRICT SPECIFIC PLAN IMPLEMENTATION COMMITTEE - COUNCILMEMBER BOYAJIAN**

A motion and second was made to approve the appointment. Councilmember Boyajian stated Mr. Klein was very well qualified and requested Council's support.

On motion of Councilmember Boyajian, seconded by Acting President Mathys, duly carried, RESOLVED, James Klein appointed to the Tower District Specific Plan Implementation Committee, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Perea

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**(5B) \*RESOLUTION NO. 99-343 - 56<sup>TH</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$5,000 OF DISTRICT 1's, \$500 OF DISTRICT 2's, AND \$2,500 OF DISTRICT 4's GENERAL FUND INFRASTRUCTURE BUDGETS TO FUND THE VAN NESS GARAGE FUEL TANK REPLACEMENT - COUNCILMEMBER BOYAJIAN AND ACTING PRESIDENT MATHYS**

Acting President Mathys spoke in support emphasizing the station was the oldest gas station in the State and the second oldest in the United States and needed to be preserved, and made a motion to adopt the resolution, which motion was seconded and acted upon after brief discussion.

Councilmember Boyajian spoke in support noting the station's historical importance, and questioned if City funds being contributed would be returned to the City if the station was ever sold, with City Attorney Montoy advising staff was currently looking into that issue but it was her understanding they would be. Brief discussion ensued on ensuring the return of funds and making that contingent upon approval of the resolution, with Ms. Montoy stating that condition would be added to Section 11 of the agreement.

On motion of Acting President Mathys, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 99-343 hereby adopted, and Section 11 of the agreement hereby amended to specify funds being contributed for the fuel tank replacement will be returned to the City's General Fund upon sale of the gas station, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Perea

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**(5C) \* RESOLUTION NO. 99-344 - 58<sup>TH</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$5,800 OF DISTRICT 5's GENERAL FUND INFRASTRUCTURE BUDGET TO FUND THE POLICE DEPARTMENT'S MOUNTED PATROL PROGRAM IN THE AMOUNT OF \$4,800, AND THE ROOSEVELT HIGH SCHOOL EUROPEAN FIELD TRIP FUND DRIVE IN THE AMOUNT OF \$1,000 - COUNCILMEMBER QUINTERO**

A motion and second to approve the resolution was made. Councilmember Ronquillo stated the issue of Council infrastructure budget funds needed to be revisited before the next budget as funds were being utilized a lot for non-infrastructure uses.

On motion of Councilmember Quintero, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 99-344 hereby adopted, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Quintero, Ronquillo, Steitz  
Noes : None  
Absent : Perea

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**(5E) STATUS REPORT FROM STAFF ON THE MAPLE/SHEPHERD AND DANTE/ALLUVIAL PARKS BID PROCESS - COUNCILMEMBER BREDEFELD AND ACTING PRESIDENT MATHYS**

Public Works Director White gave a brief update stating the projects were basically on schedule with construction to commence on February 1<sup>st</sup> and completion anticipated in October. Acting President Mathys commended staff citing the importance of parks to the community.

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**(5F) RESOLUTION NO. 99-345 - SUPPORTING THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT'S APPLICATION FOR A CALIFORNIA INFRASTRUCTURE AND ECONOMIC DEVELOPMENT BANK LOAN - COUNCILMEMBERS RONQUILLO AND PEREA**

Briefly reviewed by Councilmember Ronquillo who stated his support citing flooding problems in his district. City Manager Reid clarified the Flood Control District's intent was to increase assessment rates upon approval of the loan, and briefly responded to questions of President Steitz relative to the increased rates with President Steitz stating his concern had been potential liens against properties.

On motion of Councilmember Ronquillo, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 99-345 hereby adopted, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Quintero, Ronquillo, Steitz  
Noes : None  
Absent : Perea

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**LUNCH RECESS - 10:53 A.M. - 2:13 P.M.**

**(2:00 P.M.) CONTESTED CONSENT CALENDAR ITEMS:**

**(1A-2) AWARD A REQUIREMENTS CONTRACT FOR COMPOUND AND FIRE SERVICE WATER METERS**

With Councilmember Bredefeld having questions and in the absence of appropriate staff to speak specifically to the issue of the meters and their different uses, the matter was tabled to after closed session by Council consensus.

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**(2:00 P.M.) CLOSED SESSION:**

**(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:**

### 3. CHARLES TURNEY V. CITY OF FRESNO

Laid over one week.

1. MORALES, McAVOY, ZAMORA AND “JOHN DOE” V. CITY OF FRESNO, FRESNO POLICE DEPARTMENT, POLICE CHIEF WINCHESTER, AND POLICE OFFICERS WILLIAMS, BRIDGES, OSUNA, FRANKS, FERN AND GRAY

2. DEBORAH WALLACE-GRANT V. CITY OF FRESNO

4. CLAYTON TURNER V. CITY OF FRESNO, AND JOHN WHITE, PUBLIC WORKS DIRECTOR, AND AL SOLIS, DEVELOPMENT DIRECTOR, IN THEIR OFFICIAL CAPACITIES

The Council met in closed session in Room 2125 at the hour of 2:15 p.m. to consider the above issues and reconvened in regular open session at 3:12 p.m. with Councilmember Quintero arriving shortly thereafter.

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### (1A-2) AWARD REQUIREMENTS CONTRACT FOR COMPOUND AND FIRE SERVICE WATER METERS

Councilmember Bredefeld noted his questions had been answered by staff and moved the item.

On motion of Councilmember Bredefeld, seconded by President Steitz, duly carried, RESOLVED, the matter brought back from the table for consideration, and a one-year requirements contract with provisions for two (2) one-year extensions hereby awarded to Schlumberger Resource Management for Section “A”, compound water meters, and Section “B”, fire service water meters, in the estimated amount of \$126,694.87 for both sections, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Ronquillo, Steitz
Noes	:	None
Absent	:	Quintero

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### (2:25 P.M.) REPORT FROM THE DEVELOPMENT DEPARTMENT AND GENERAL PLAN SUBCOMMITTEE REGARDING THE GENERAL PLAN UPDATE - PRESIDENT STEITZ AND COUNCILMEMBERS BREDEFELD AND QUINTERO

Development Director Solis (**2 - 0**) briefly reviewed the background of the issue including prior staff reports, documents, and graphics which had been distributed to Council relating to the general plan process, schedule, and format elements. Councilmember Quintero arrived at 3:15 p.m.

Planning Manager Yovino advised the three alternatives -- the adopted existing plan, the 2020 initiated plan, and the plan to stay within the City’s existing sphere aka the “Mayor’s Plan” -- would be presented to Council on January 11th; emphasized that meeting would be a very important one as Council would be making a decision on the preferred alternative; and gave an overview of the alternatives and noted the Mayor and the Council Committee decided to focus on the Mayor’s plan adding he felt it would be close to the County’s plan.

Councilmember Bredefeld commended staff for their efforts, spoke in support of the Mayor's plan, and presented questions relative to Clovis keeping their boundaries, with Mr. Yovino responding. Councilmember Bredefeld reiterated his support stating the plan would allow the City to grow up and not out and should have been the direction all along, and requested input from the Building Industry Association (BIA) on the plan.

Jeff Harris, BIA, stated from his perspective the plan needed to be greatly defined; noted the Landscape of Choice did not call for freezing the sphere line and requested Council move forward with incremental boundaries; stated he did not see the Mayor's plan as a finished product but as a valuable first step; and along with Mr. Yovino, responded to questions of Councilmember Bredefeld relative to support for updating the plan every few years, the Mayor's plan being an "interim" plan, and projected growth and holding capacities.

Mr. Yovino responded to questions of City Manager Reid and Councilmember Quintero relative to population numbers and if the Mayor's plan would be accommodating, plan implementation strategies, strategies in working with agencies to add more sphere, importance of other agencies' support and how to get that support, Capital Improvement Program, and Clovis' growth and lack of needed public facilities and services being built with that growth.

Joni Johnson, Fresno Neighborhood Alliance, spoke to the issue and requested the revised working papers be made available in advance to the public, with Mr. Yovino responding. There was no further discussion.

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**(2:30 P.M.) RESCIND PREVIOUS COUNCIL DIRECTION REGARDING THE 10Z GENERAL PLAN UPDATE AND DIRECT STAFF TO RETURN ON 1/11/00, WITH A PREFERRED ALTERNATIVE GENERAL PLAN WHICH WOULD UTILIZE THE EXISTING SPHERE OF INFLUENCE AND ESTABLISH POLICY WITH DEFINED CRITERIA THAT WOULD ALLOW INCREMENTAL SPHERE LINE EXPANSIONS AS POPULATION TARGETS ARE REACHED - COUNCILMEMBERS PEREA AND RONQUILLO**

1. REDEFINE ZONING/LAND USE POLICIES
2. DEVELOP NEW DESIGN REVIEW STANDARDS
3. IDENTIFY CITY-WIDE INFRASTRUCTURE NEEDS
4. RIVERBOTTOM PRESERVATION/OPEN SPACE
5. IDENTIFY TRANSPORTATION FUNDING OPPORTUNITIES
6. PREPARE A SPECIFIC PLAN FOR INFILL DEVELOPMENT OF THE HIGH DENSITY CORRIDOR AND OTHER APPROPRIATE AREAS OF THE CITY
7. IDENTIFY THE ACTUAL POPULATION HOLDING CAPACITY OF THE EXISTING SPHERE-OF-INFLUENCE

Councilmember Perea thanked staff for their prior presentations, **(3 - 0)** and the Mayor and Council sub-committee for their efforts; briefly reviewed the background of Council's prior actions and direction; stated since Council was now moving towards the Mayor's plan it was incumbent upon Council to give clear signals to staff therefore he was proposing prior direction be rescinded and explained the difference with his proposal and the Mayor's plan; and presented questions on population projections, the 60,000 high rise corridor, reality of that corridor happening in the next 20 years, what would need to be done for that to happen, and density and build out if the City stayed within its current sphere, with Planning Manager Yovino responding.

Councilmember Perea noted it seemed to be the consensus of Council and the administration that the City take a “timeout”; stated he felt the City should stay within its current sphere for one to two years and begin looking at needs its needs (infrastructure, streets, etc.) and how to fix those needs and come up with funding; stated he felt Council was in a prime position to redirect Measure “C” funds back into the City for its needs and explained; stressed local agencies needed to work together and joint meetings needed to continue, and made a motion to rescind the previous direction and return with a preferred alternative plan as outlined above, which was seconded by Councilmember Ronquillo.

Councilmember Ronquillo stated there was a clear concern about urban sprawl; commented on growth stressing it was inevitable and the City would, unfortunately, experience growing pains; stated he appreciated the Mayor’s efforts; and stressed this was a quality of life issue and Council needed to think long-term of how the city would grow and adopt a smart plan for the future.

City Manager Reid commented on the issue and stated approval of the motion this date was not necessary to endorse moving forward with a no-sphere increase plan as he felt it could be counter-productive to the goal of moving the process along and explained.

Speaking to the issue were: Joni Johnson, Fresno Neighborhood Alliance (FNA), who stated FNA would like to part of the Urban Design Team, and stated clarification was needed on Items 6 and 7; and Greg Kirkpatrick, 1002 W. Main, representing American Farmland Trust and Growth Alternative Alliance, who spoke in support of the motion, advised of their recommendations, and responded to questions of Councilmember Bredefeld.

Councilmember Bredefeld stated he felt the proposal was premature and he would not support it, and President Steitz noted each item outlined above was currently, or would be, addressed in the working papers.

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the issue tabled to January 11, 2000, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Steitz
Noes	:	Perea, Ronquillo
Absent	:	None

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#### MOTION TO HEAR THE 3:30 P.M. ITEM PRIOR TO THE 3:00 P.M. ITEM

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the 3:30 p.m. item to be heard next, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Steitz
Noes	:	Quintero, Ronquillo
Absent	:	None

President Steitz left the meeting at 4:36 p.m.

**(3:30 P.M.)** APPEARANCE BY DAVID PEPPER TO RE-ADDRESS THE SPEEDING ON VAN NESS AVENUE



Appearance made with Mr. Pepper stressing this was a safety issue as children had died, and stated additional stop signs were needed. Councilmember Boyajian responded stating traffic enforcement was needed and not additional stop signs, stressed Council was concerned about safety and was trying to do something as a traffic study had been approved and funded, and advised a process needed to be followed.

Brief discussion ensued with Mr. Pepper responding to questions and Councilmember Ronquillo explaining the City's warrant policy, advising of options and associated costs, **(4 - 0)** and stating he would continue to work on the issue and meet again with staff and Mr. Pepper.

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**(3:50 P.M.) PROGRESS REPORT AND DIRECTION FROM STAFF REGARDING THE 1999-2000 BUDGET APPROVAL OF A FIRE STATION AT CLOVIS AND BUTLER AVENUES - COUNCILMEMBER QUINTERO**

Laid over one week at the direction of Councilmember Quintero.

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**(3:00 P.M.) REQUEST FOR ADDITIONAL FUNDING FOR COMPLETION OF THE DOWNTOWN WATER TOWER - COUNCILMEMBER RONQUILLO**

**1. STATUS REPORT BY LLOYD KENNEDY, FRESNO CONVENTION AND VISITORS BUREAU (CVB)**

Lloyd Kennedy, Executive Director, CVB, thanked Council for its prior support and financial commitment, and the City Manager's office for its cooperation; reviewed the background of the issue and current status; advised project costs increased by \$125,500 due to inflation and unexpected element changes and explained; and respectfully requested Council share the additional unavoidable expenses with the Bureau.

Mr. Kennedy and City Manager Reid responded to questions of Acting President Mathys relative to timeline to complete the project, if needed funding could be factored in to next year's budget, and possible funding source for the City's share.

Discussion continued on possible funding sources with City Attorney Montoy and Mr. Reid responding to questions. Councilmember Quintero questioned the legality/feasibility of the Redevelopment Agency providing the funding due to the area, suggested financial participation from each Councilmember as another option, and made a motion to direct Agency staff to look into funding sources and report back, which was later amended to include the City Manager. Councilmember Perea left the meeting at 5:06 p.m.

On motion of Councilmember Quintero, seconded by Acting President Mathys, duly carried, **RESOLVED**, the Agency Executive Director and City Manager directed to look into possible funding sources for additional funding to complete the downtown Water Tower and report back in one week, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Ronquillo
Noes	:	None
Absent	:	Perea, Steitz

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134-278

12/7/99

**ADJOURNMENT**

There being no further business to bring before the Council, the hour of 5:05 p.m. having arrived and hearing no objections, Acting President Mathys declared the meeting adjourned and Council convened to the 2<sup>nd</sup> floor foyer for the Christmas tree lighting ceremony.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 1999.

\_\_\_\_\_  
Chris Mathys, Acting Council President

ATTEST: \_\_\_\_\_  
Yolanda Salazar, Assistant City Clerk

**(5:00 P.M.) CHRISTMAS TREE LIGHTING CEREMONY - MAYOR PATTERSON (2<sup>ND</sup> FLOOR FOYER)**

Held.

**134-279**

**12/7/99**